

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

<b>JENNIFER CRYSTAL MCDANIEL</b>	:	
<b>and NELSON WAYNE MCDANIEL</b>	:	
	:	
<b>Plaintiffs,</b>	:	<b>Case Number:</b> _____
	:	
<b>v.</b>	:	
	:	
<b>CITY OF CHATTANOOGA AND</b>	:	
<b>FORTWOOD NEIGHBORHOOD</b>	:	
<b>ASSOCIATION, INC.</b>	:	
	:	
<b>Defendants.</b>	:	

**NOTICE OF REMOVAL**

Comes now the Defendant, City of Chattanooga (the “City”), by and through counsel, and, without waiving any of its defenses, respectfully shows unto this Honorable Court as follows:

This Court has original jurisdiction of this action under federal question jurisdiction pursuant to 28 U.S.C. § 1331. The action may be removed to this Court pursuant to 28 U.S.C. §§ 1441(a) and 1446 for the following reasons:

1. On May 20, 2024, Jennifer Crystal McDaniel, and Nelson Wayne McDaniel (“Plaintiffs”) filed suit against the City and Fort Wood Neighborhood Association, Inc. in the Chancery Court of Hamilton County, Tennessee, in a case styled *Jennifer Crystal McDaniel and Nelson Wayne McDaniel v. City of Chattanooga and Fort Wood Neighborhood Association, Inc.*, Case Number 24-0342. Attached hereto as **Exhibit A** is a copy of all process and pleadings filed in the action. No further proceedings have occurred in the Chancery Court of Hamilton County, Tennessee.

2. The City was served with a copy of the Summons and Verified Complaint for Declaratory and Injunctive Relief by hand delivery on May 30, 2024, to the Office of the City Attorney.

3. This Notice of Removal is filed within the time allowed under 28 U.S.C. § 1446(b) as thirty (30) days have not yet expired since the City was first provided with a copy of the Summons and Complaint.

4. This action is a civil action in which the Plaintiffs allege that the City has enacted an ordinance which violates the First, Fourth, and Fourteenth Amendments to the U.S. Constitution, and Article I, Sections 7, 8, 19, and 22, and Article XI, Section 8 of the Tennessee Constitution. Plaintiffs seek to recover injunctive relief, costs, and expenses, including attorneys' fees allowed under federal law pursuant to 42 U.S.C. § 1988 as well as certain state law claims.

5. Pursuant to 28 U.S.C. § 1441(a), "Except as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending."

6. Pursuant to 28 U.S.C. § 1331, "The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States."

7. The case allegedly arises under the laws of the United States. Therefore, this Court has original jurisdiction, and removal of the case is proper.

8. Venue is proper in this Court because this United States District Court embraces the County of Hamilton, State of Tennessee.

9. As required by 28 U.S.C. § 1446(d), promptly after the filing of this notice of removal, the City will give written notice thereof to all adverse parties and will file a copy of the notice with the Clerk of the Chancery Court of Hamilton County, Tennessee, which shall effect the removal, and the State court shall proceed no further unless and until the case is remanded.

WHEREFORE, the City prays that the above-entitled action be removed from the Chancery Court of the State of Tennessee, County of Hamilton, to this Court.

Respectfully submitted,

OFFICE OF THE CITY ATTORNEY  
CITY OF CHATTANOOGA, TENNESSEE

By: s/ ANDREW TRUNDLE  
ANDREW TRUNDLE (BPR #30381)  
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*Attorneys for the City of Chattanooga*

## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

Curtis L. Bowe, III, Esq.  
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6120 Shallowford Road, Suite 107  
Chattanooga, TN 37421

Fort Wood Neighborhood Association, Inc.  
c/o Its Registered Agent Stephen Neil  
907 Oak Street  
Chattanooga, TN 37403

This 21st day of June, 2024.

s/ANDREW TRUNDLE

ANDREW TRUNDLE  
AZARIUS YANEZ

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